

Senate Bill No. 933

Passed the Senate September 12, 2003

Secretary of the Senate

Passed the Assembly September 11, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 354.9 to the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 933, Dunn. Victims of wrongful or coerced repatriation.

Existing law authorizes various persons to bring civil actions for damages under specified circumstances.

This bill would authorize a victim of unconstitutional, wrongful, or coerced repatriation, defined as any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from California during the period from 1929 to 1944, inclusive, or the victim's heir or beneficiary, to bring a legal action to recover damages in any court of competent jurisdiction in this state. This provision would apply if the victim was coerced, forced, or falsely induced to emigrate by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity. The provision would also apply only if that person resides in this state and has a claim arising out of that unconstitutional, wrongful, or coerced repatriation, as specified. The bill would also provide that any action brought pursuant to this provision may not be dismissed for failure to comply with the applicable statute of limitations or to exhaust any applicable administrative remedies or governmental tort claims procedures, if the action is commenced on or before December 31, 2006.

This bill would specify that its provisions are severable.

The people of the State of California do enact as follows:

SECTION 1. Section 354.9 is added to the Code of Civil Procedure, to read:

354.9. (a) The following definitions govern the construction of this section:

(1) "Victim of unconstitutional, wrongful, or coerced repatriation" means any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to



emigrate from California during the period from 1929 to 1944, inclusive, by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of that person.

(2) “Damages” means any and all damages for any harm, loss, or detriment sustained by any victim of unconstitutional, wrongful, or coerced repatriation by reason of the coerced, forced, or falsely induced emigration from California by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of any victim of unconstitutional, wrongful, or coerced repatriation.

(b) Notwithstanding any other provision of law, any victim of unconstitutional, wrongful, or coerced repatriation, or the heir or beneficiary of a victim of unconstitutional, wrongful, or coerced repatriation, who resides in this state and has a claim arising out of the victim’s coerced, forced, or falsely induced emigration from California by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but not limited to, any private individual or business entity that conspired with any city, county, or state governmental authority, or anyone acting under color of that authority, to violate the California constitutional or property rights of any victim of unconstitutional, wrongful, or coerced repatriation, may bring a legal action to recover any damages in any court of competent jurisdiction in this state, which court shall be deemed the proper forum for that action until its completion or resolution.

(c) Any action brought under this section may not be dismissed for failure to (1) comply with the applicable statute of limitations, or (2) exhaust any applicable administrative remedies or governmental tort claim procedures otherwise provided by any statute, if the action is commenced in any California court of competent jurisdiction on or before December 31, 2006.



SEC. 2. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



Approved _____, 2003

Governor

